

REMARKS

Claims 1-29 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Application to be Considered Special

This application has received a third non-final Office Action. As per MPEP § 707.02, Applicants respectfully request that the Supervisory Patent Examiner personally check on the pendency of this application and make every effort to terminate prosecution.

II. 35 U.S.C. § 112, First Paragraph

The Final Office Action rejects claims 1-29 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Final Office Action states:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to clearly address the hub is not connected to any external network as cited in the claim language.

Applicants respectfully submit that the current specification does support the hub not being connected to any external network limitation. Applicants respectfully submit that the hub not being connected to any external network is supported in the specification on page 4, lines 24-28 which reads:

Thus, documents may be securely shared between heterogeneous computing devices (HCDs), which are computing devices having different operating systems and data formats, without having a physical network connection.

This section of the specification clearly states that the heterogeneous computing devices may securely share documents without having a physical network connection.

Applicants respectfully submit that if the hub, through which the computing devices are

connected, were connected to a network then the computing devices would be connected to a network. Thus, the presently claimed limitation of "the hub is not connected to any external network" is supported by the specification. Clearly one of ordinary skill in the art would be able to interpret the hub not being connected to any external network from this limited portion of the specification.

Furthermore, Applicants respectfully submit that the hub not being connected to any external network limitation is supported at Figure 1, which clearly shows the hub not connected to an external network, and also in the specification on page 4, lines 29-31, which reads:

Furthermore, the hub is portable, thus allowing the sharing of documents at any location in which several users have gathered for a meeting.

This section of the specification clearly states the hub is portable and allows sharing of documents at any location. Clearly one of ordinary skill in the art would be able to interpret that not every location has network connectivity. Thus, since the hub allows sharing of documents at any location would be interpreted as the hub not being connected to any external network.

Therefore, Applicants respectfully submit that the hub not being connected to any external network limitation is supported from the specification and Applicants respectfully request the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

III. 35 U.S.C. § 132

The Final Office Action objects to the amendments filed on July 16, 2004 under 35 U.S.C. § 132, as the amendments introduce new matter into the disclosure. The Final Office Action states:

35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In every independent claims, the applicant amended as dated above "the hub is not connected to any external network" (e.g. claim 1 line 3) wherein these limitations introduce new matter into the disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Applicants respectfully submit that the amendments filed on July 16, 2004 do not introduce new matter into the disclosure. As discussed above, the limitation of the hub not being connected to any external network already exists in the specification on page 4, lines 24-28, shown above. This section of the specification clearly states that the heterogeneous computing devices may securely share documents without having a physical network connection. Applicants respectfully submit that if the hub, through which the computing devices are connected, were connected to a network then the computing devices would be connected to a network. Thus, the present amendments do not introduce new matter into the disclosure.

Furthermore, Applicants respectfully submit that the hub not being connected to any external network limitation also exists in the specification on page 4, lines 29-31, shown above. This section of the specification clearly states the hub is portable and allows sharing of documents at any location. Applicants respectfully submit that not every location has network connectivity. Thus, since the hub allows sharing of documents at any location would be interpreted as the hub not being connected to any external network and no new matter is introduced into the disclosure.

Therefore, Applicants respectfully submit that the hub not being connected to any external network limitation is not an introduction of new matter into the disclosure and Applicants respectfully request the objection under 35 U.S.C. § 132 be withdrawn.

IV. 35 U.S.C. § 102, Alleged Anticipation, Claims 1, 5-7, 9-12, 15, 16, 19 and 20

The Final Office Action rejects claims 1, 5-7, 9-12, 15, 16, 19 and 20 under 35 U.S.C. § 102(b) as being allegedly anticipated by Budin et al. (U.S. Patent No. 5,276,703). This rejection is respectfully traversed.

As to claims 1, 11, 15 and 19, the Final Office Action states:

Referring to claims 1, 11, 15, and 19, Budin reference discloses a hub (12 of fig. 1); and a plurality of computing devices (14a-g of fig. 1) in physical proximity with the hub (fig. 1); wherein each of the plurality of computing devices communicates with the hub via only a wireless connection (eg. Devices 14a-g is communicated with the wireless hub via wireless only (col. 6, lines 46-58); the hub receives and retransmits

requested documents (eg. information) between selected computing devices of the plurality of computing devices (Abstract; Figure 1; and col. 5, lines 59 through col. 6, lines 2); each of the plurality of computing devices translates each requested document into a system independent language (eg. converts information from the format being utilized over wireless) prior to transmitting the requested document to the hub, and each of the plurality of computing devices translates each received document from the hub (col. 6, lines 66 through col. 7, 1st paragraph).

Final Office Action dated October 5, 2004, pages 3-4.

Claim 1 reads as follows:

1. A system for providing dynamically shared documents, comprising:
 - a hub, wherein the hub is not connected to any external network;
 - and
 - a plurality of computing devices in physical proximity with the hub; wherein
 - each of the plurality of computing devices communicates with the hub via only a wireless connection;
 - the hub receives and retransmits requested documents between selected computing devices of the plurality of computing devices;
 - each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested document to the hub; and
 - each of the plurality of computing devices translates each received document from the hub.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Budin does not teach every element of the claimed invention arranged as they are in the claims. Specifically, Budin does not teach a hub, wherein the hub is not connected to any external network.

Budin is directed to a local area network including at least one hub unit, at least one associated station unit and a wireless communication link between each hub unit and its associated station units. The communication link includes a wireless down-link channel for transferring information from each hub unit to its associated station units and a wireless up-link channel for transferring information from each station unit to its associated hub unit.

The Office Action alleges that Budin teaches a hub. Applicants are not merely claiming a hub, but a hub that is not connected to any external network. Even though this limitation is the subject of a 35 U.S.C. § 112, first paragraph, the Final Office Action indicates that this limitation was entered and made of record. Additionally, Applicants have provided ample support for this limitation from Applicant's own disclosure. Therefore, the Budin reference is required to teach every element of the claimed invention. While Budin may teach a hub, the hub is clearly connected to an external network as shown in Figure 3, which is shown as follows:

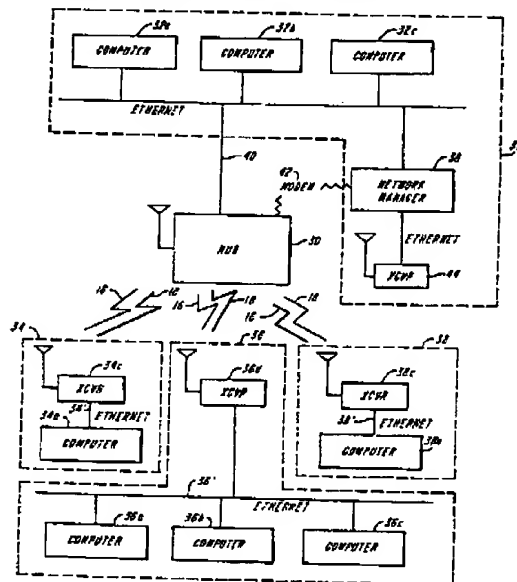


FIG. 3

As can be seen in this Figure and as described in Budin's supporting documentation, the hub 30 is connected to network 32 by way of a wired interconnection 40. The hub 30 is also in connected to network manager 38 via modem 42 and a wireless transceiver 44. Thus, Budin teaches a hub that is connected to a network using three different methods.

A similar distinction applies to independent claims 11, 15 and 19 which recite "sending, from a first data processing system, a request, in a system independent language, for a shared document from a second data processing system to a hub in close proximity to the first and second data processing systems via only a wireless communication signal, wherein the hub is not connected to any external network; receiving, from the hub, via only the wireless communication link, the shared document, formatted in the system independent language; and translating the shared document from the system independent language into a first data processing system preferred data format for presentation to a user." As Budin teaches communications between a wireless communication device through a hub, which is connected to a external network through numerous means, there is no teaching in the Budin reference for the wireless communication devices to communicate to each other through the hub, which is not connected to any external network.

Thus, Budin does not teach each and every feature of independent claims 1, 11, 15 and 19 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 11, 15 and 19, the specific features of dependent claims 5-7, 9, 10, 12, 16 and 20 are not taught by Budin. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 5-7, 9-12, 15, 16, 19 and 20 under 35 U.S.C. § 102.

Furthermore, Budin does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement Budin such that a hub is not connected to any external network, one of ordinary skill in the art would not be led to modify Budin to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Budin in this manner, the presently claimed

invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Moreover, in addition to their dependency from independent claims 1, 11, 15 and 19, the specific features recited in dependent claims 5-7, 9, 10, 12, 16 and 20 are not taught by Budin. For example, with regard to claim 7, Budin does not teach where at least one of the plurality of computing devices is portable. The Final Office Action alleges this feature is taught at Figure 1 and column 6, line 47-58, which read as follows:

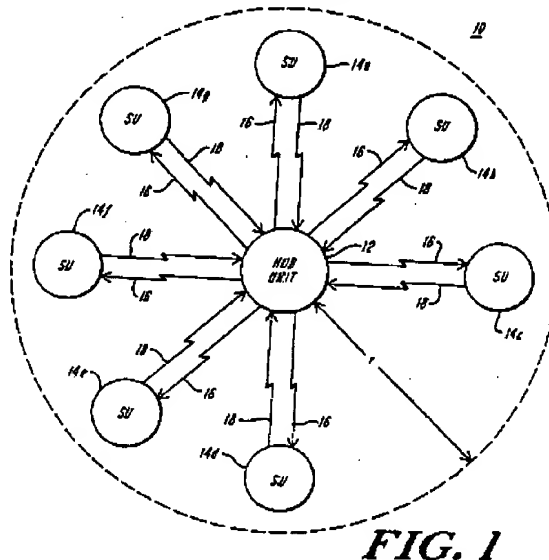


FIG. 1

FIG. 1 shows a wireless multiple access communication network 10 according to the invention. The system of FIG. 1 includes a Hub Unit (HU) 12 in radio communication with a plurality of Subscriber Units (SUs) 14a-14g. All transmissions from the HU 12 to the SUs 14a-14g are over a channel 16. That channel operates at a frequency of 5.78 GHz in the depicted embodiment. All transmissions from the SUs 14a-14g to the HU 12, are over an up-link channel 18. The SU to HU transmission frequency is 2.44 GHz. Both channels, 16 and 18 thus operate at frequencies at which significant reflections occur from local objects.

(Column 6, lines 47-58)

In this Figure and section, Budin describes a plurality of subscriber units that are connected to a hub. However, in Figure 2 and Budin's supporting description, subscriber units are described as being comprised of a data terminal, a wireless transceiver and a network interface. Applicants respectfully submit that such a subscriber unit is not readily portable.

As a further example, with regard to claim 9, Budin does not teach wherein transmissions between each of the plurality of computing devices and the hub are infrared transmissions. The Final Office Action alleges that this feature is taught at column Figure 1, shown above. The supporting description of Figure 1, also shown above, describes the operation of the Budin system at the 5.78 GHz and 2.24 GHz frequencies which are super high and ultra high radio frequencies and, thus, not infrared transmissions.

Therefore, in addition to being dependent on independent claims 1, 11, 15 and 19, dependent claims 5-7, 9, 10, 12, 16 and 20 are also distinguishable over Budin by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5-7, 9, 10, 12, 16 and 20 under 35 U.S.C. § 102.

V. 35 U.S.C. § 103. Alleged Obviousness, Claims 2, 3, 13, 14, 17, 18, 21 and 22

The Final Office Action rejects claims 2, 3, 13, 14, 17, 18, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) in view of Meltzer et al. (U.S. Patent No. 6,226,675 B1). This rejection is respectfully traversed.

Claims 2, 3, 13, 14, 17, 18, 21 and 22 are dependent on independent claims 1, 11, 15 and 19 and, thus, these claims distinguish over Budin for at least the reasons noted above with regards to claims 1, 11, 15 and 19. Moreover, Meltzer does not provide for the deficiencies of Budin and, thus, any alleged combination of Budin and Meltzer would not be sufficient to reject independent claims 1, 11, 15 and 19 or claims 2, 3, 13, 14, 17, 18, 21 and 22 by virtue of their dependency. That is, Meltzer does not teach a hub that is not connected to any external network.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicants' disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Budin and Meltzer cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Applicants' disclosure a model for the needed changes.

In view of the above, Budin and Meltzer, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 18, from which claims 2, 3, 13, 14, 17, 18, 21 and 22 depend. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2, 3, 13, 14, 17, 18, 21 and 22 under 35 U.S.C. § 103.

VI. 35 U.S.C. § 103, Alleged Obviousness, Claim 4

The Final Office Action rejects claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) and Meltzer et al. (U.S. Patent No. 6,226,675 B1) in view of Sopko (U.S. Patent No. 6,003,068). This rejection is respectfully traversed.

Claim 4 is dependent on independent claim 1; thus, this claim distinguishes over Budin for at least the reasons noted above with regards to claim 1. Moreover, Sopko does not provide for the deficiencies of Budin and Meltzer and thus, any alleged combination of Sopko, Budin and Meltzer would not be sufficient to reject claim 1 or claim 4 by virtue of its dependency. That is, Sopko does not teach or suggest a hub that is not connected to any external network, as recited in claim 1 from which claim 4 depends. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 4 under 35 U.S.C. § 103(a).

VII. 35 U.S.C. § 103, Alleged Obviousness, Claim 8

The Final Office Action rejects claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) and Meltzer et al. (U.S. Patent No. 6,226,675 B1) in view of Koperda (U.S. Patent No. 5,790,806). This rejection is respectfully traversed.

Claim 8 is dependent on independent claim 1; thus, this claim distinguishes over Budin for at least the reasons noted above with regards to claim 1. Moreover, Koperda does not provide for the deficiencies of Budin and Meltzer and thus, any alleged combination of Koperda, Budin and Meltzer would not be sufficient to reject claim 1 or claim 8 by virtue of its dependency. That is, Koperda does not teach or suggest a hub that is not connected to any external network, as recited in claim 1 from which claim 8 depends. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a).

VIII. 35 U.S.C. § 103, Alleged Obviousness, Claim 23-29

The Final Office Action rejects claims 23-29 under 35 U.S.C. § 103(a) as being unpatentable over Beswick et al. (U.S. Patent No. 6,480,580 B1) in view of Meltzer et al. (U.S. Patent No. 6,226,675 B1). This rejection is respectfully traversed.

As to claims 23, 25 and 27, the Final Office Action states:

Referring to claims 23, 25, 27, and 29, Beswick reference disclose a wireless hub (eg. wireless hub 102 of Figure 1) which is receiving and broadcasting the request and response between from the plurality of computing devices (eg. devices 104a-n) via only a wireless communication link; however, Beswick fail to disclose the request and the response between the devices are in the form of a system independent language.

Meltzer reference disclose each of the plurality of computing devices translates each requested document into a system independent language (ex: xml to java) prior to transmitting the requested document to the hub (ex: Router) (fig. 12; and col. 78, lines 44-60); and each of the plurality of computing devices translates (ex: java to xml) each received document from the hub (router).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Meltzer's teaching into

Beswick's method to translates each requested document into a system independent language before sending and receiving from the hub; because by translating the document to the independent language, it will be allowed companies exchange information and services using self-defining, machine-readable documents, such as XML based documents, that can be easily understood amongst the partners.

Final Office Action dated October 5, 2004, page 7.

The differences between the Beswick reference and the presently claimed invention have been discussed at length in the Responses file July 7, 2003, November 24, 2003 and July 16, 2004. Applicants have previously argued that the Beswick reference does not teach or suggest, with respect to claims 23, 25 and 27, receiving a request in a system independent format from a first data processing system via only a wireless communication link, broadcasting the request to a second data processing system via only the wireless communication link, receiving an answer in a system independent format from the second data processing system via only the wireless communication link, and broadcasting the answer to the first data processing system via only the wireless communication link. As claims 23, 25 and 27 are directed to the method, program and system of the hub, Beswick does not teach or suggest that the hub, which is not connected to any external network, would allow communications between the connected wireless communications devices. More importantly, the Beswick hub is configured to allow communications between the wireless communication devices and the various resources provided by the external networks. The Beswick reference neither teaches nor suggests communications only and directly between the devices connected to the hub.

Thus, in the system of Beswick, the communication devices are configured to access the computer telephony system provided by the external network. And though the communication devices communicate via a wireless connection to the hub, there is nothing in this section or any other section of Beswick, that teaches or suggest features as presented in claims 23, 25 and 27. Furthermore, Beswick teaches that a user selects a device and logs on the network telephony system using the selected device. Thus, the Beswick system is not intended to be used without the external network.

Meltzer does not provide for the deficiencies of Beswick. While Meltzer may teach the translation of documents into a system independent language, Metzler does not

teach a wireless network where a request is received in a system independent format from a first data processing system via only a wireless communication link, the request is broadcasted to a second data processing system via only the wireless communication link, an answer is received in a system independent format from the second data processing system via only the wireless communication link, and the answer is broadcasted to the first data processing system via only the wireless communication link

Moreover, there is not so much as a suggestion in the Beswick or Meltzer references to modify the references to include such features. That is, there is no teaching or suggestion in Beswick or Meltzer that a problem exists for which receiving a request in a system independent format from a first data processing system via only a wireless communication link, broadcasting the request to a second data processing system via only the wireless communication link, receiving an answer in a system independent format from the second data processing system via only the wireless communication link, and broadcasting the answer to the first data processing system via only the wireless communication link, is a solution. To the contrary, Beswick only teaches communications between the wireless communication devices and the various resources provided by the external networks. Meltzer does not teach a wireless network. Neither reference even recognizes a need to create a system the features presently claimed in claims 23, 25 and 27.

One of ordinary skill in the art, being presented only with Beswick and Meltzer, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Beswick and Meltzer to arrive at Applicants' claimed invention. To the contrary, even if one were somehow motivated to combine Beswick and Meltzer, and it were somehow possible to combine the two systems, the result would not be the invention as recited in claim 1. The result would be a hub providing wireless communication from a wireless device to a network. The resulting system still would not allow communication from one wireless computing device to another wireless computing device through a hub not connected to an external network.

Thus, in view of the above, Applicants respectfully submit that Beswick and Meltzer, taken alone or in combination, fail to teach or suggest the features of independent claims 23, 25 and 27. At least by virtue of their dependency on claims 23,

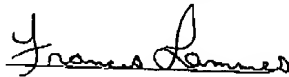
25 and 27, the specific features of dependent claims 24, 26 and 28 are not taught or suggested by Beswick and Meltzer, either alone or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 23-29 under 35 U.S.C. § 103(a). Additionally, claim 29 is dependent on independent claim 1, which is not rejected under the same combination of references. Thus, the rejection of claim 29 is improper and should be withdrawn.

IX. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: December 6, 2004



Francis Lammes
Reg. No. 55,353
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants